

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Amendment of Section 73.202(b))	MM Docket No. 01-255
Table of Allotments,)	RM-10265
FM Broadcast Stations.)	
(Wright City, Oklahoma))	

**REPORT AND ORDER
(Proceeding Terminated)**

Adopted: October 22, 2003

Released: October 24, 2003

By the Assistant Chief, Audio Division:

1. In response to a Petition for Rule Making filed by Maurice Salsa ("Salsa"), the Audio Division considers herein a *Notice of Proposed Rule Making*¹ proposing the allotment of Channel 226A to Wright City, Oklahoma, as that community's first local aural transmission service. Salsa has filed comments expressing his continued interest in applying for Channel 226A if it is allotted to Wright City, and stating that if his application is granted, he will construct a station in that community. Entravision Holdings, LLC ("Entravision")² has filed Comments and Counterproposal to which Salsa has filed reply comments. Radio One Licenses, Inc. ("ROL") filed Comments and Counterproposal. For the reasons stated herein, we shall allot Channel 226A to Wright City, Oklahoma.

2. Entravision's Counterproposal requests: first, that Entravision's Station KTCY(FM) ("KTCY"), at Pilot Point, Texas, be upgraded from Channel 285C1 to Channel 285C0 and second, that Channel 265A be allotted to Broken Bow, Oklahoma in lieu of Salsa's requested Channel 285A. Third, since Charles Crawford's request for Channel 284A at Antlers, Oklahoma, in MM Docket No. 01-269 would conflict with Entravision's Counterproposal to upgrade its Channel 285C1 to Channel 285C0, Entravision requests that Channel 227A be added to Antlers, Oklahoma, in lieu of Channel 284A. Fourth, because Maurice Salsa's request that Channel 226A be allotted at Wright City, Oklahoma, conflicts with Entravision's request to allot Channel 227A at Antlers, Oklahoma, Entravision has identified an alternate transmitter site at Wright City that would allow the allotment of Channel 226A at Wright City and also allow the allotment of Channel 227A at Antlers, Oklahoma. ROL's Counterproposal supports Entravision's Counterproposal, except that ROL requests the allotment of Channel 286A to Wright City in lieu of Entravision's request to allot Channel 226A to Wright City at an alternate transmitter site to Salsa's site for that channel.

¹ *Wright City, Oklahoma*, 16 FCC Rcd 17072 (M.M. Bur. 2001).

² Entravision is the current licensee of Station KTCY, Channel 285C1, Pilot Point, Texas. Even though the prior licensee, KTCY Licensing, Inc., filed the "Comments and Counterproposal" in this proceeding, we will, for the sake of clarity, refer to Entravision as the licensee of Station KTCY throughout this document.

3. The Entravision Counterproposal for the Station KTCY upgrade to Channel 285C0 at Pilot Point, Texas is short-paced to the existing Channel 285A allotment at Meridian, Texas. In this regard, a timely counterproposal in MM Docket No. 01-47 proposed the reallocation of Channel 285A from Meridian to Hico, which would remove this conflict. Thus, the Entravision proposal is contingent upon the outcome of a separate proceeding in MM Docket No. 01-47 and cannot be considered in the context of this proceeding. In order to have the Entravision proposal considered at this time, the proposal would have to have been filed by April 9, 2001, the comment deadline in MM Docket No. 01-47. Entravision did not file its Counterproposal in this proceeding until November 19, 2001. The same counterproposal was filed in *Broken Bow, Oklahoma*) (“*Broken Bow*”)³ on October 22, 2001, and was rejected on the same grounds. In addition, *Broken Bow* granted Petitioner’s request to allot Channel 285A to Broken Bow, Oklahoma. Entravision’s request to upgrade Station KTCY to a Class C0 station in this proceeding is short-spaced to that Broken Bow allotment. Entravision proposed to allot Channel 227A to Antlers in lieu of Channel 284 because Entravision desired to upgrade Channel 285C1 to Channel 285C0 at Station KTCY, Pilot Point, Texas. Since we have rejected Entravision’s proposed upgrade, there is no reason to add Channel 227A to Antlers and no reason to change the transmitter site proposed by Salsa at Wright City to accommodate the proposed Channel 227A allotment at Antlers. Therefore, we dismiss that Counterproposal. We also dismiss ROL’s Counterproposal which asks that Channel 286A be allotted to Wright City in lieu of Salsa’s request for Channel 226A. An allotment of Channel 286A to Wright City would be short-spaced to our previous allotment of Channel 285A to Broken Bow, Oklahoma.⁴ Since the Broken Bow allotment is protected from any such short-spaced allotment, we dismiss ROL’s Counterproposal as unacceptable for consideration.

4. We conclude that the public interest would be served by the allotment of Channel 226A at Wright City, Oklahoma, since it will provide a first local aural transmission service to that community. Channel 226A can be allotted to Wright City, Oklahoma, consistent with the requirements of Sections 73.207(b)(1) and 73.315(a) of the Commission’s Rules at coordinates of 34-05-58 NL and 94-58-34 WL, with a site restriction of 5.0 kilometers northeast of Wright City, Oklahoma.

5. Accordingly, pursuant to the authority contained in Sections 4(i), 5(c)(1), 303(g) and (r) and 307(b) of the Communications Act of 1934, as amended, and Sections 0.61, 0.204(b) and 0.283 of the Commission’s Rules, IT IS ORDERED, That effective December 8, 2003, the FM Table of Allotments, Section 73.202(b) of the Commission’s Rules IS AMENDED for the community listed below, as follows:

<u>Community</u>	<u>Channel Number</u>
Wright City, Oklahoma	226A

³ 18 FCC Rcd 17622 (MB 2003).

⁴ ROL’s Counterproposal in this proceeding was filed November 19, 2001, whereas the comment due date for the Broken Bow proceeding (MM Docket No. 01-209) was October 22, 2001. Thus, ROL’s Counterproposal was not timely filed to be considered with the proposal for Channel 285A that was granted in *Broken Bow*. See Section 1.420(d) of the Commission’s Rules. In this light, ROL’s Counterproposal must be dismissed.

6. A filing window for Channel 226A, Wright City, Oklahoma, will not be opened at this time. Instead, the issue of opening this allotment for auction will be addressed by the Commission in a subsequent order.

7. IT IS FURTHER ORDERED, That the Petition for Rule Making (RM-10265) filed by Maurice Salsa in MM Docket No. 01-255 IS GRANTED.

8. IT IS FURTHER ORDERED, That the aforementioned Counterproposal filed by Entravision Holdings, LLC IS DISMISSED.

9. IT IS FURTHER ORDERED, That the aforementioned Counterproposal filed by Radio One Licenses, Inc. IS DISMISSED.

10. IT IS FURTHER ORDERED, that MM Docket No. 01-255 IS TERMINATED.

11. For further information concerning this proceeding, contact R. Barthen Gorman, Media Bureau, (202) 418-2180.

FEDERAL COMMUNICATIONS COMMISSION

John A. Karousos
Assistant Chief, Audio Division
Media Bureau